

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RAMON GARCIA-PENA,

Defendant.

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CASE NO. 8:02CR164

ORDER

This matter is before the Court on the Defendant's motions for reconsideration (Filing No. 605) and for leave to proceed on appeal in forma pauperis (Filing No. 603).

The Defendant was sentenced on August 22, 2003. In a July 28, 2004, per curiam opinion, the Eighth Circuit stated there were no nonfrivolous issues for appeal and affirmed this Court's decision. On December 13, 2010, the Defendant filed a motion for copies that this Court denied on December 28, 2010. The Defendant seeks to appeal this order. The notice of appeal was untimely and provided no good cause for extending the deadline for filing the notice of appeal. The Defendant now asks the Court to reconsider its decision regarding untimeliness of the notice of appeal. The Court declines to do so, as no good cause was provided in the original motion. Furthermore, the Court advises the Defendant that his Judgment is final and he has no further relief.

IT IS ORDERED:

1. The Defendant's motion for reconsideration (Filing No. 605) is denied;
2. The Defendant's motion for leave to proceed on appeal in forma pauperis (Filing No. 603) is denied; and
3. The Clerk is directed to mail a copy of this order to the Defendant at his last known address.

DATED this 18th day of February, 2011.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge